

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036



Filed: June 23, 1997
 49th Day: August 23, 1997
 180th Day: December 20, 1997
 Staff: DL-SD
 Staff Report: August 21, 1997
 Hearing Date: September 12-15, 1997

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-78

Applicant: Maryam Akhondi & Tom Moalemi

Description: Demolition of an existing one-story single-family residence and placement of a 440 sq.ft. 14-foot high modular trailer to convert site to a used car dealership with improvements including 200 cubic yards of balanced grading, a 50 space parking area, landscaping, and curb, gutters and sidewalk improvements to Highway 101 and South Sierra Avenue. An existing car repair shop will remain.

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|--------------------|----------------------|
| Lot Area | 34,500 sq. ft. |
| Building Coverage | 2,665 sq. ft. (8%) |
| Pavement Coverage | 15,450 sq. ft. (45%) |
| Landscape Coverage | 16,385 sq. ft. (47%) |
| Parking Spaces | 50 |
| Zoning | Commercial |
| Plan Designation | Commercial |
| Ht abv fin grade | 14 feet |

Site: 201 South Highway 101, Solana Beach, San Diego County.
 APN 298-010-31, -32

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach CUP Case No. 17-96-28

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Landscaping/Street Improvement Plans. Prior to the issuance of the coastal development permit, the applicant shall submit a final landscape plan stamped and approved by the City of Solana Beach, which includes the proposed curb cuts and sidewalk/street improvements and incorporates the following:
 - a. Indicates the type, size, extent and location of all plant material, the proposed irrigation system and other landscape features. Drought tolerant plant material shall be used to the maximum extent feasible.
 - b. Driveways shall be designed to maximize the amount of landscaping provided along Highway 101 with a minimum 10-foot wide landscape strip provided along the length of the Highway 101 frontage, excluding the proposed 18-foot wide driveway on the northern side of the site, and the proposed 24-foot wide driveway on the southern side of the site.
 - c. No additional driveways/curb cuts beyond the 18-foot wide and 24-foot wide proposed driveways shall be provided along the Highway 101 frontage. However, the plan may indicate a revised driveway plan consolidating the proposed driveways if doing so would increase the amount of street frontage available for landscaping and is approved by the City of Solana Beach Engineering Department.
 - d. If the Engineering Department determines that circulation on the site would be adversely impacted by providing landscaping along any portion of the street frontage, the width of the landscape strip may be reduced; however, the maximum width and amount of landscaping consistent with circulation and traffic requirements must be provided.

The landscaping shall be installed concurrent with the proposed street improvements and maintained in good growing condition. Any proposed changes to the approved plan, including changes which may be required by the City of Solana Beach Engineering Department, shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit a comprehensive sign program for all proposed signage documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director. The permittee shall install the signage in accordance with the approved sign plan.

3. Parking Requirements. By acceptance of this coastal development permit, the applicant agrees to maintain a minimum of nine (9) parking spaces on site available for customer parking for the car sales and repair uses during business hours.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description: The proposed project involves the demolition of an existing one-story single-family residence, placement of a 440 sq.ft., 14-foot high modular trailer on the site, and conversion of the 34,500 sq.ft. lot to a used car dealership. Other proposed improvements include 200 cubic yards of balanced grading, installing a 50-space parking area (approximately 11,411 sq.ft. will be paved and 8,000 sq.ft. will be decomposed granite), and improvements to Highway 101 and South Sierra Avenue including lights, curbs, gutters and sidewalks. Approximately one-quarter of the lot on the Sierra Avenue side of the site will be landscaped with bushes and turf. An existing auto repair shop on the northeast corner of the site will remain and no changes to this shop are proposed through this application. The rectangular-shaped lot is located on the west side of Highway 101, approximately 500 feet south of Lomas Santa Fe Drive, between Highway 101 and Sierra Avenue. Access to the site will be only from Highway 101.

2. Visual Quality: Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas... [emphasis added].

The proposed project will be located on Highway 101, a major coastal access route which was designated as a scenic corridor in the previously certified County of San Diego Local Coastal Program, (which is used for guidance in the City of Solana Beach) and is designated as a scenic roadway in the City of Solana Beach. In the past, on similar projects located on Highway 101 in the City of Solana Beach and Encinitas, the Commission has typically required a minimum ten-foot wide landscaped area along the Highway 101 frontage, not to include the Highway 101 right-of-way. Although the proposed project currently includes a considerable amount of landscaped area on the western portion of the site, adjacent to the residential area, there is no landscaping proposed to buffer the proposed car lot from views from Highway 101.

While the display of the cars available is one part of the operation of a car sales business, the need for car display must be balanced with the scenic preservation requirements of the Coastal Act. As conditioned by the City of Solana Beach, no cars can be displayed east of the sales office (on the Highway 101 side of the property), so installation of landscaping along the highway frontage will not block any merchandise display. It will have the effect of softening views of the site from the highway and creating an enhanced visual appearance consistent with other properties along Highway 101 with similar landscaping requirements.

Therefore, Special Condition #1 has been proposed. The condition requires the applicant to provide a 10-foot wide landscaped strip along the Highway 101 frontage of the site. The applicant has proposed installing an 18-foot wide driveway on the northern portion of the site and a 24-foot wide driveway on the southern portion of the site where no landscaping can be provided. However, in order to ensure that the area available for landscaping is maximized, the condition prohibits additional curb cuts from being installed along on the Highway 101 street frontage. All portions of the street frontage excluded the proposed driveways must be landscaped with a minimum 10-foot wide landscape strip unless the City of Solana Beach Engineering Department determines that circulation on the site would be adversely impacted, in which case, the maximum width of landscaping consistent with circulation and traffic requirements must be provided. The condition allows for a revision to the proposed driveway plan to consolidate the two driveways, if doing so would increase the area available for landscaping.

In addition, in past Commission action on commercial development within this area, the Commission has regulated the height and amount of signage because of the potential for adverse impacts on the scenic quality of the area, and inconsistency with Section 30251 of the Act. Strict limits on the size and height of commercial signs were included within the previously certified County of San Diego Local Coastal Program. No sign program was submitted with the application. To assure that all proposed signage is consistent with Chapter 3 policies, Special Condition #2 has been proposed. The condition requires the submittal of a sign program documenting that only monument signs not exceeding eight feet in height or facade signs will be installed. Therefore, as conditioned, the project will

not have any adverse visual impacts to scenic coastal resources and the project can be found consistent with Section 30251 of the Coastal Act.

3. Public Access/Parking. Section 30252 of the Act requires that new development provide for adequate parking facilities so as not to compete with or preclude the public's access to the coast by usurping on-street public parking spaces. Because inadequate parking and congestion interfere with public access opportunities, the provision of adequate off-street parking is critical for all commercial, recreational and residential development in near shore areas.

The proposed project is located along Highway 101, which is designated as a major coastal access route in the previously certified County of San Diego Local Coastal Program. In addition, the project is located within walking distance of Fletcher Cove beach park. There are 50 parking spaces proposed for the project. Under the previously certified County of San Diego local coastal program, approximately 7 spaces would be required for customer parking for both the proposed used car sales and the existing car garage. Under the City of Solana Beach's requirements, approximately 9 spaces would be required for both uses. Special Condition #3 requires the applicant to maintain a minimum of 9 parking spaces available on the site for customer parking. Therefore, as conditioned, the proposed project will not adversely impact beach access.

4. Local Coastal Planning. Section 30604(a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The site is zoned and designated for Commercial uses in the City of Solana Beach, which allows automotive sales with the issuance of the Conditional Use Permit. The site was also zoned and designated for General Commercial uses in the previously certified County of San Diego LCP. Although the site is within walking distance of Fletcher Cove beach, it is not located directly at the major coastal access route intersection of Highway 101 and Lomas Santa Fe Drive, where visitor-serving uses would be most appropriate. There are currently a wide range of general commercial, visitor-serving uses and even some residential uses along Highway 101 in Solana Beach including offices, general and beach-related retail, and restaurants. Currently the project site contains an abandoned single-family residence and a auto-mechanic shop.

The City of Solana Beach has approved a Conditional Use Permit for the project and indicated that the project site is located in the pedestrian oriented Plaza District of the Highway 101 Specific Plan. Thus, the City has only approved the project as an interim use for one year, with extensions possible up to a total of four years. However, as the project is a permitted use under the existing and previously plan designations and the site is not a prime visitor-serving site, as discussed above and conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act, and therefore, the coastal

development permit need not be approved for a limited time period. If a use other than car sales is proposed in the future, the conversion of use may require a coastal development permit and additional review at that time. Therefore, the Commission finds that approval of the proposed project as conditioned will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

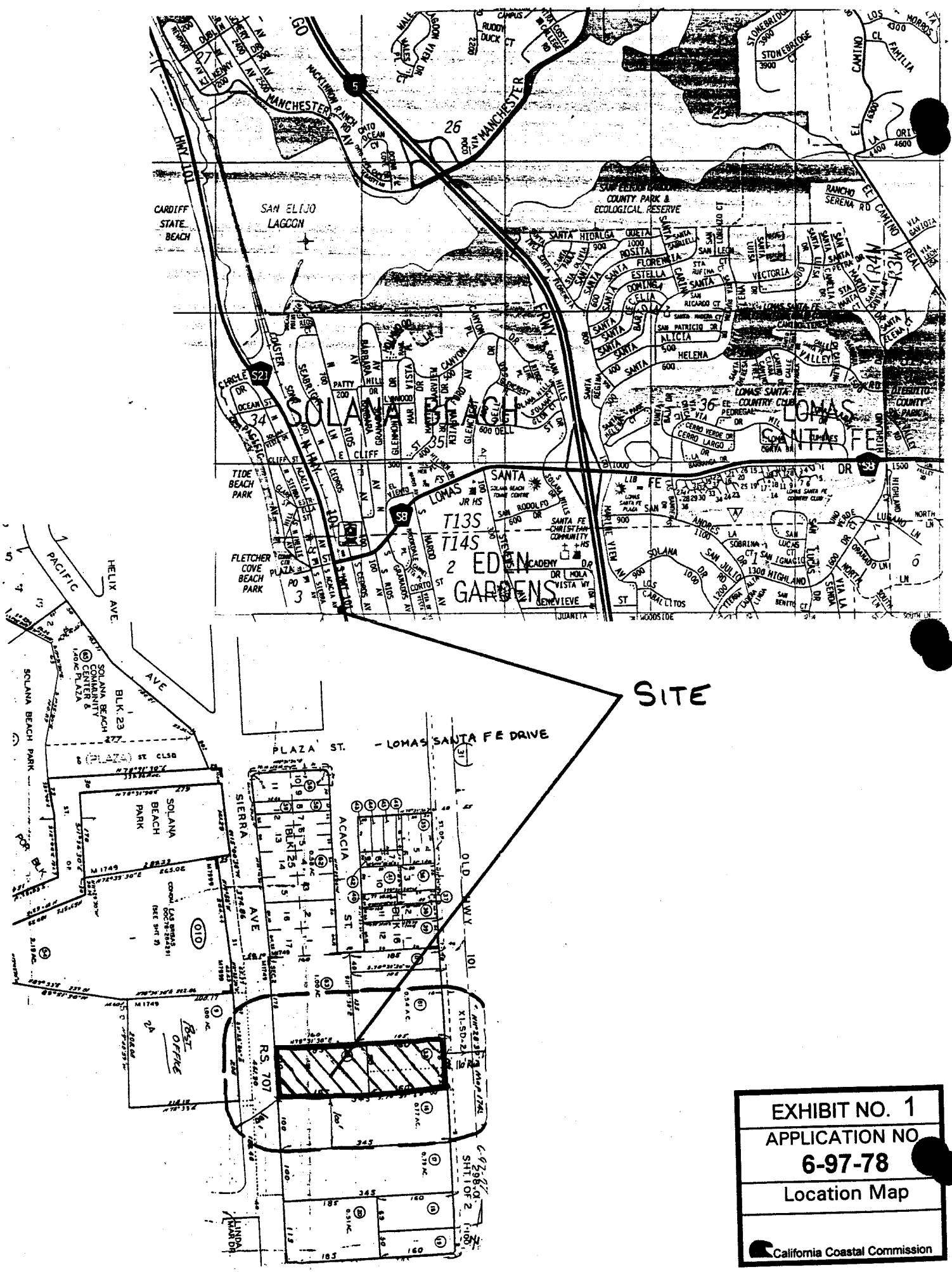
The proposed project has been conditioned in order to be found consistent with the public access and scenic preservation policies of the Coastal Act. Mitigation measures, including submittal of a sign program and landscape plan, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(7078R)



SITE

EXHIBIT NO. 1
 APPLICATION NO
 6-97-78
 Location Map
 California Coastal Commission



NEIGHBORHOOD MAP
A.S.S.

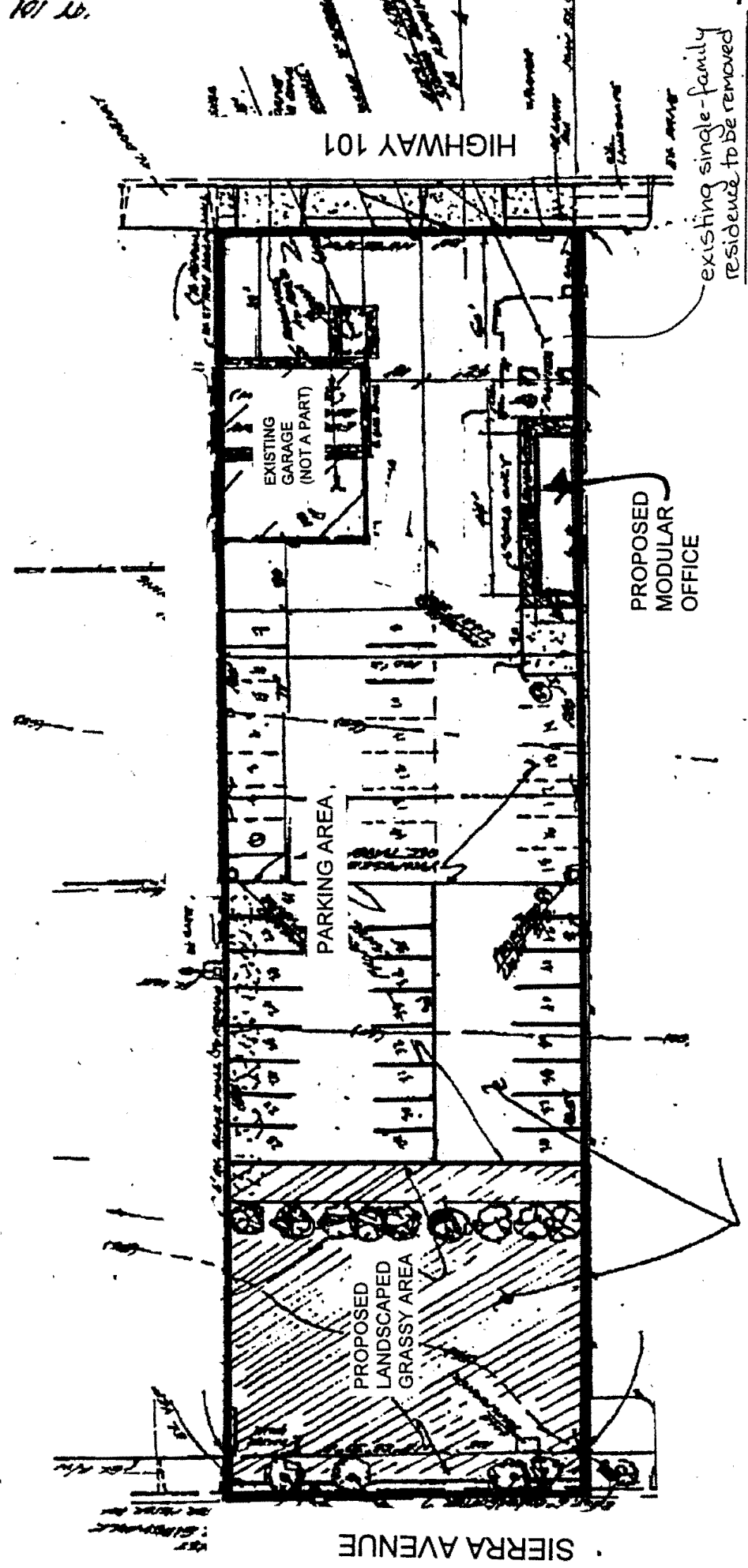


EXHIBIT NO. 2
 APPLICATION NO.
 6-97-78
 Site Plan



APPROVED BY: _____ DATE: _____
 SCALE: 7/8" = 1' DATE: 3/8/77
 SUBMITTED BY: _____
 CITY: TOWN

C.B. AUTOMOTIVE
201 South Highway 101
Solana Beach, CA 92075

RECEIVED

AUG 14 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

August 13, 1997

California Coastal Commission
San Diego Coast Area Office
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Application No. 6-97-78, Car Trader used car sales land use permit

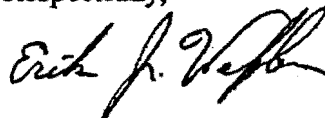
Dear Ladies and Gentlemen:

I am writing to state my objections to the proposed use of the premises at 201 South Highway 101, Solana Beach, as a used car sales facility. It is certainly my impression that outdoor used car sales facilities are typically festooned with the kinds of visual clutter (pennants, pinwheels, banners, moving signs, flags, window signs, etc.) which are intended to bring people into the showrooms and onto the lots. In an area that is looking for more visitor-oriented uses, a used car sales lot really doesn't contribute anything but the clutter and activity which, if the history of your above-referenced applicant forecasts the future, will result in neighbors complaining about noise, high-speed test drives and the like.

It also appears as if there has been no engineering plan proposed to handle the drainage of surface waters or the disposition of the hazardous wastes which automobiles leak, overflow, drip or otherwise deposit on the hardscape and landscape. I should think that the likely environmental impact of the proposed usage would be to increase the amount of hazardous waste which must be disposed of and that an appropriate plan for so doing would be an integral part of the review process.

The management of the land use in the coastal area is certainly complex, but the principal thrust of the enquiry must certainly relate to the competing uses and their suitability for the proposed site. I respectfully urge you not to degrade the tourism orientation of the area by approving a use which is so inconsistent with serving the needs of the visitors as a used car sales lot.

Respectfully,



Erik Weflen

Letter of
Objection
6-97-78

To: COOSA
Condominium Owners of South Sierra Avenue
c/o Jack McGoldrick
Solana Beach, Ca
619/481-6592

From: Tom Moalem
The Car Trader
201 S Hwy 101
Solana Beach, Ca - 481-4494

RE: Automobile facility

Date: January 17, 1997

Ladies and Gentlemen of COOSA,

This letter is to address to you our proposed automobile dealership at 201 S Hwy 101 in Solana Beach. As you know via Public Notice, we are proposing to build an automobile dealership at the aforementioned address within the next few months and wish to ease your trepidation's concerning this facility installation. First off, I wish to introduce myself. My family and I are homeowners in the City of Solana Beach and have lived here for several years as well as being business owners in the City of Solana Beach which we have worked mightily to make a success of. We are presently expanding our scope with another business venture, this also in Solana Beach, of a Bagel, Juice Bar, and Coffee House being built on Via de la Valle. With our home and business ventures all contained in the city, we, too, are concerned the overall appearance and vigor of Solana Beach.

The proposed dealership is to be located on Hwy 101 in the plaza district as noted on the Public Notice. The usage of this property at present is a boarded up, dilapidated, abandoned building with an unimproved, weed covered lot to the rear of this building. This presents not only an eyesore to the surrounding residence and tourists, but provides for a health hazard and a convenient nuisance for transients which pass through the area whom inhabit the dwelling from time to time, defecating on the property and absorbing valuable law enforcement time in removing them from the property. Please understand that this property is not available to the landlord for any long term development as the parcel is slated for immanent domain attachment by the City of Solana Beach in approximately 7 years and a thoroughfare is to be constructed between Sierra Avenue and Hwy 101 ensuring that the aforementioned parcel will remain in it's current state until that time.

Letter from
Applicant
6-97-78

18121 SOLONA BEACH 14 80075 - 819 722 8812

We feel our proposal, albeit not a park-like setting, will mitigate the potential health hazards, remove a potential waystation for transient traffic, increase surrounding property values by providing a viable, though temporary, business solution to an unusable parcel of land in the Plaza District, increase tax revenues for Solona Beach, provide for public works sidewalks, curbs and approaches where exists only uneven asphalt paving abutting Hwy 101 at present, and provide for a more esthetic setting versus what is currently contained within the parcel perimeters. We propose to provide for the City of Solona Beach public works grade curbs, gutters, drive approaches, and sidewalks, graded and paved areas for sales vehicle parking, an esthetically pleasing sales office to the Hwy 101 end of the parcel, perimeter security lighting of the type contained in the City Hall parking lot, and lot landscaping as to not leave a barren scape to view.

Please find a planset attached for your review and if you have any questions, please feel free to contact me at the listed phone number. We hope, as residents and business owners of Solona Beach, we can all come to a viable solution and proceed with this project with COOSA's approval.

Cordially,

Tom Moalemi